



September 1, 1994

Patrick Simpson
Legal Division
State Engineer Office
P.O. Box 25102
Santa Fe, NM 87504-5102

FAX: 827-3887
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RE: State v. Aragon (Chama Adjudication - Main Stem)

Dear Mr. Simpson:

After speaking with Ms. Bushnell yesterday, I thought it necessary to provide you with up to date information regarding the Orders to Show Cause. At present, I have the data to produce 478 Orders to Show Cause for 440 current owners. There are, however, an additional 291 subfiles (map-tract combinations) for which I can not issue Orders to Show Cause. Of those, I recommend that 89 of them be held back (see cases 2 through 4 enclosed) because we have been unable to locate any previous documentation on them, and it seems prudent to adjudicate priority at the time the other elements of the right are adjudicated. An extension of time will be necessary as field work by the Hydrographic Survey Section will probably be required. The remaining 202 subfiles (see case 1 enclosed) can not be issued Orders to Show Cause because we lack current ownership information. (Exception: Tierra Azul Ditch and map 4 tracts 47. Please see endnotes for case 1.) A request for an extension of time for subfiles which lack current owner names and addresses seems reasonable to me if a plan for completion of this process is in place.

I do not expect the above statistics to change substantially within the next several weeks. I will, however, be in contact with Mr. Fidel Trujillo to clear up some minor confusions in the data he provided me, and to obtain any additional information he has gathered.

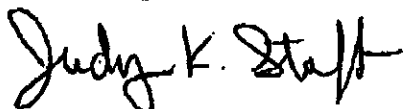
I had planned to have the 478 Orders to Show Cause at your office for review by September 15, 1994. As I have not yet received the final draft of the document I am to produce, and as I have not yet received a 'official' list of priority dates I am to use, I can not, at present, produce anything. I will require

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Letter to Mr. Simpson

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two weeks from the time this information is provided to complete and deliver the 478 Orders to Show Cause. If the information provided requires additional time to process, I will let you know as soon as possible.

Sincerely,



Judy K. Stoft

cc w/ enclosures

Mr. Fred Waltz, Esq.
Special Master Vickie L. Gabin
Darcy S. Bushnell, Esq.

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CASE 1 The following is the list of the 202 rights which were adjudicated (Subfile Orders on file with the Court), but for which Orders to Show Cause will not be issued until further information is provided. Unless otherwise noted below, these will not be issued Orders to Show Cause for lack of current owner names and/or addresses.

DITCH	SUBFILE	MAP	TRACT
Abeyta Trujillo Ditch	472 473 474	1	3
Abeyta Trujillo Ditch	475	1	5
Abeyta Trujillo Ditch	476	1	6A
Abeyta Trujillo Ditch	477	1	6B
Abeyta Trujillo Ditch	472 473 474	2	1B
Abeyta Trujillo Ditch	489	2	10
Acequia de Abiquiu	493	4	15
Acequia de Abiquiu	501	4	25
Acequia de Abiquiu	522	4	47 ¹
Acequia de Abiquiu	503	5	20
Acequia de Chamita	238	19	1
Acequia de Chamita	228	19	2A
Acequia de Chamita	239	19	8
Acequia de Chamita	240	20	1
Acequia de Chamita	246	20	12
Acequia de Chamita	242 291	20	16
Acequia de Chamita	258	22	2
Acequia de Chamita	255 259	22	4
Acequia de Chamita	257 260	22	5
Acequia de Chamita	276	22	5A
Acequia de Chamita	292	22	5B
Acequia de Chamita	229	22	6
Acequia de Chamita	232	22	7
Acequia de Chamita	280	22	10
Acequia de Chamita	271	22	14
Acequia de Chamita	245	22	27
Acequia de Chamita	284	24	2
Acequia de la Puente	448	8	15
Acequia del Rio de Chama	10.8	10	8
Barranca Ditch	539	3	3
Barranca Ditch	545	3	9
Barranca Ditch	554	3	43
Barranca Ditch	540	3	44
Barranca Ditch	568	3	45
Barranca Ditch	540	3	46
Barranca Ditch	554	3	47
Chili Ditch	320	16	2
Chili Ditch	313	17	3B

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DITCH	SUBFILE	MAP	TRACT
Chili Ditch	329	17	5
Chili Ditch	312	17	6
Chili Ditch	317	17	12
Chili Ditch	301	17	13
Chili Ditch	307	17	17
Chili Ditch	309	17	18
Chili Ditch	308	17	19
Chili Ditch	302	17	21
Chili Ditch	319	18	3A
Chili Ditch	297	18	21D
Chili Ditch	321	18	23
Chili Ditch	297	18	24
Hernandez Ditch ²	226	19	10
Hernandez Ditch	126	19	11
Hernandez Ditch	127	19	12A
Hernandez Ditch	129	19	14
Hernandez Ditch	130	19	15
Hernandez Ditch	131	19	16
Hernandez Ditch	132	19	17
Hernandez Ditch	135	19	21
Hernandez Ditch	136	19	22
Hernandez Ditch	137	19	23
Hernandez Ditch	138	19	24
Hernandez Ditch	139	19	25
Hernandez Ditch	140	21	1
Hernandez Ditch	141	21	2
Hernandez Ditch	142	21	3
Hernandez Ditch	143	21	4
Hernandez Ditch	144	21	5
Hernandez Ditch	145	21	6
Hernandez Ditch	146	21	7
Hernandez Ditch	147	21	8
Hernandez Ditch	148	21	9
Hernandez Ditch	149	21	10
Hernandez Ditch	150	21	11
Hernandez Ditch	151	21	12
Hernandez Ditch	21.13	21	13
Hernandez Ditch	153	21	14
Hernandez Ditch	154	21	16
Hernandez Ditch	155	21	17
Hernandez Ditch	156	21	18
Hernandez Ditch	158	21	20
Hernandez Ditch	159	21	21
Hernandez Ditch	163	21	25
Hernandez Ditch	166	21	28A
Hernandez Ditch	168	21	29
Hernandez Ditch	169	21	30
Hernandez Ditch	170	21	31
Hernandez Ditch	171	21	32

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DITCH	SUBFILE	MAP	TRACT
Hernandez Ditch	173	21	34
Hernandez Ditch	174	21	35
Hernandez Ditch	175	21	36
Hernandez Ditch	179	23	3
Hernandez Ditch	180	23	4
Hernandez Ditch	181	23	5
Hernandez Ditch	182	23	6
Hernandez Ditch	184	23	8
Hernandez Ditch	187	23	11
Hernandez Ditch	189	23	13
Hernandez Ditch	190	23	14
Hernandez Ditch	191	23	15
Hernandez Ditch	192	23	16
Hernandez Ditch	193	23	17
Hernandez Ditch	194	23	18
Hernandez Ditch	195	23	19
Hernandez Ditch	195	23	19A
Hernandez Ditch	197	23	21A
Hernandez Ditch	199	23	24
Hernandez Ditch	199	23	24A
Hernandez Ditch	200	23	25
Hernandez Ditch	200	23	25A
Hernandez Ditch	201	23	26
Hernandez Ditch	202	23	27
Hernandez Ditch	204	23	29
Hernandez Ditch	205	23	30
Hernandez Ditch	206	23	31
Hernandez Ditch	207	23	32
Hernandez Ditch	208	23	33
Hernandez Ditch	209	23	34
Hernandez Ditch	210	23	35
Hernandez Ditch	211	23	36
Hernandez Ditch	212	23	37
Hernandez Ditch	214	23	39
Hernandez Ditch	215	23	40
Hernandez Ditch	217	23	42
Hernandez Ditch	218	23	43
Hernandez Ditch	219	23	44
Hernandez Ditch	221	25	2B
Hernandez Ditch	224	25	3F
Hernandez Ditch	225	25	3G
Hernandez Ditch	227	25	4
Jose Pablo Gonzales Ditch	5.6B	5	6B
Karl Bode Ditch	522	4	47 ¹
Karl Bode Ditch	525-1	4	51
Karl Bode Ditch	525	5	18
Mansanares & Montoya Ditch	411	11	18

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DITCH	SUBFILE	MAP	TRACT
Martinez Ditch	414	10	5A
Martinez y Duranes Ditch	384 385 386 387	14	5A
Martinez y Duranes Ditch	391 392	14	8A
Martinez y Duranes Ditch	393 394	14	9B
Martinez y Duranes Ditch	396 397	14	11A
Martinez y Duranes Ditch	396 397	14	11B
Martinez y Duranes Ditch	393 394	14	12A
Martinez y Duranes Ditch	393 394	14	12B
Martinez y Duranes Ditch	398 399	15	1
Martinez y Duranes Ditch	405 406	15	5A
Quintana Ditch	7.3B	7	3B
Quintana Ditch	7.7B	7	7B
Rio Frijoles Ditch	571	3	48
Salazar Ditch ²	25	23	46
Salazar Ditch	57	23	47
Salazar Ditch	13	23	49
Salazar Ditch	117	23	50
Salazar Ditch	67	23	51
Salazar Ditch	77	23	52
Salazar Ditch	57	23	54
Salazar Ditch	2 58	23	57
Salazar Ditch	2 58	25	1A
Salazar Ditch	100	25	1B
Salazar Ditch	72	25	2A
Salazar Ditch	98 99	25	3C
Salazar Ditch	90	25	8A
Salazar Ditch	30	25	10
Salazar Ditch	33 91	25	19
Salazar Ditch	79 89	25	21
Salazar Ditch	37	25	23B
Salazar Ditch	21	25	27
Salazar Ditch	62	25	30
Salazar Ditch	16	25	32
Salazar Ditch	28	26	3
Salazar Ditch	80	26	5
Salazar Ditch	78	26	6
Salazar Ditch	56	26	7
Salazar Ditch	60	26	8
Salazar Ditch	59 111 112 113	26	10A
Salazar Ditch	43	26	13
Salazar Ditch	106	26	15
Salazar Ditch	105	26	15A
Salazar Ditch	40	26	17
Salazar Ditch	40	26	19
Salazar Ditch	42	26	21
Salazar Ditch	39	27	3

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DITCH	SUBFILE	MAP	TRACT
Salazar Ditch	39	27	4
Salazar Ditch	121	27	7A
Suazo Ditch	533	4	4
Suazo Ditch	534	4	5
Suazo Ditch	537	4	9A
Tierra Azul Ditch ¹	419	9	3
Tierra Azul Ditch	420	9	5
Tierra Azul Ditch	421	9	6
Tierra Azul Ditch	422	9	7
Tierra Azul Ditch	423	10	10A
Tierra Azul Ditch	424	10	10B
Tierra Azul Ditch	425	10	11
Tierra Azul Ditch	426	10	12
Tierra Azul Ditch	423	10	13
Tierra Azul Ditch	427	10	14
Tierra Azul Ditch	428	10	15
Tierra Azul Ditch	429	10	16
Tierra Azul Ditch	430	10	17
Tierra Azul Ditch	430	10	17A
Tierra Azul Ditch	430	10	18A

¹ I recommend Orders to Show Cause not be sent out for map 4, tracts 47 until one of the tracts has been renumbered. At present, there are two distinct tracts on map 4 irrigated from different ditches, both adjudicated rights, and both marked as tract 47.

² Apparently members of the Hernandez and Salazar Ditch Associations have been uncooperative about providing current owners information. For this reason, Orders to Show Cause can not be issued.

³ No Orders to Show Cause can be issued for this ditch until I am provided with at list of all tracts irrigated by the ditch and the priority date each is to be adjudicated. At present, the information provided to me by the State Engineer Office states a priority of 1734 "except lands newly irrigated by changes in acequia in 1924."

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The following (Cases 2 through 4) are the 89 subfiles (map-tract combinations) for which we have found no documentation. It is my recommendation that these subfiles not be issued Orders to Show Cause, but that priority be adjudicated along with the other elements of the right via Offers of Judgment and subfile Orders.

CASE 2 The following were: (1) Included on Ditch Agreements filed with the Court. (2) Located on the hydrographic survey maps. (3) Not on the docket. (4) Not found in the Court record.

MAP	TRACT	SUBFILE	ACREAGE	DITCH/OWNER
1	1	472	0.59	Abeyta Trujillo Ditch Adj. Owner: EDUARDO MANZANARES
1	2	470	2.19	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
1	8A		14.29	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
1	8B	471	4.49	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
1	9A	470	9.15	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
1	9B	471	2.39	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
2	2B	479	0.04	Abeyta Trujillo Ditch Adj. Owner: USA, OCCUPIED BY ANSELMO MARTINEZ
2	8	470	7.79	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
2	11		4.92	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
2	12		36.29	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
2	12A		27.40	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
3	1		16.29	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
3	1A		10.80	Abeyta Trujillo Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.

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<u>MAP</u>	<u>TRACT</u>	<u>SUBFILE</u>	<u>ACREAGE</u>	<u>DITCH/OWNER</u>
3	25	558	0.14	Barranca Ditch Adj. Owner: EDITH BRUNO
3	26	559	0.32	Barranca Ditch Adj. Owner: FERMIN ABEYTA
3	27		52.98	Winfield Morton Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
4	11		37.32	Winfield Morton Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
4	12	468	44.75	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
4	13	468	45.07	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
4	14	468	10.48	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
4	16	494	0.77	Acequia de Abiquiu Adj. Owner: REMIGIO CHAVEZ
5	2	468	2.59	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
5	3	468	4.47	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
5	4	468	2.01	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
5	5	468	69.04	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
5	5A	468	30.00	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
5	5B	468	4.0	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
6	1	468	3.33	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
6	2	468	1.55	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
6	3	468	101.49	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.

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MAP	TRACT	SUBFILE	ACREAGE	DITCH/OWNER
6	4	468	144.33	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
6	4A	468	55.90	Jose Pablo Gonzales Ditch Adj. Owner: RANCHO DE ABIQUIU, INC.
7	3A	446	2.50	Acequia de la Puente Adj. Owner: U.S.A./JUAN D. LOPEZ
8	12	454	21.72	Acequia de la Puente Adj. Owner: RANCHO DE ABIQUIU
8	20	456	1.87	Acequia de la Puente Adj. Owner: NAPOLEON MARTINEZ
9	4	419	1.85	Tierra Azul (No Right) Adj. Owner: JOSE L. ORTIZ * Listed on top of Order for 9.4 but no further information contained in Order.
10	18B		0.69	Tierra Azul (No Right) Adj. Owner: FRANK, JOSE & LUCAS CORDOVA * Listed on top of Order for 10.18A but no further information contained in Order.
16	4	316	3.35	Chili Ditch Adj. Owner: JOSE BENITO MAESTAS
17	8	323	4.99	Chili Ditch Adj. Owner: LUIS E. MOYA
18	5	331	1.76	Chili Ditch Adj. Owner: ESPANOLA MERCANTILE CO.
18	13	310	1.94	Chili Ditch Adj. Owner: JOSE ISAURO JARAMILLO
18	22B	297	14.35	Chili Ditch Adj. Owner: JOSE G.D. CORDOVA
19	2	281	6.22	Acequia de Chamita Adj. Owner: JAMES D. SPEARS
19	6	265	7.75	Acequia de Chamita Adj. Owner: JOSE E. & WIFE ROYBAL
19	7	262	6.45	Acequia de Chamita Adj. Owner: FIDEL MERHEGE

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MAP	TRACT	SUBFILE	ACREAGE	DITCH/OWNER
20	6	261	6.09	Acequia de Chamita Adj. Owner: CELESTINO MAESTAS
20	8	250	10.05	Acequia de Chamita Adj. Owner: AMABELIS MASCARENAS
20	9	254	6.24	Acequia de Chamita Adj. Owner: SOSTENES MASCARENAS
20	10	252	4.19	Acequia de Chamita Adj. Owner: CASIMERO MASCARENAS
20	11A	252	5.15	Acequia de Chamita Adj. Owner: CASIMERO MASCARENAS
22	1	261	2.73	Acequia de Chamita Adj. Owner: CELESTINO MAESTAS (?) GEORGONIO MAESTAS (?) SANTIAGO E. MAESTAS (?) TOMAS A. MAESTAS (?)
27	5	82	4.29	Salazar Ditch Adj. Owner: NICOLAS VIGIL

CASE 3 The following were: (1) Included on Ditch Agreements filed with the Court. (2) Located on the hydrographic survey maps. (3) On the docket. (4) Not found in the Court record.

MAP	TRACT	SUBFILE	ACREAGE	DITCH/OWNER/ORDER DATE
2	4B	483	1.13	Abeyta Trujillo Ditch Adj. Owner: MRS. FABIAN MANZANARES Order date in docket: 08/07/69
3	8	544	0.29	Barranca Ditch Adj. Owner: JOSE ABEDON ABEYTA Order date in docket: 09/10/70
3	15	544	0.20	Barranca Ditch Adj. Owner: JOSE ABEDON ABEYTA Order date in docket: 09/10/70
3	36	563	4.95	Barranca Ditch Adj. Owner: DELFIDO LOPEZ Order date in docket: 08/07/69

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MAP	TRACT	SUBFILE	ACREAGE	DITCH/OWNER/ORDER DATE
4	1	530	2.70 ¹	Suazo Ditch Adj. Owner: GUS MARTINEZ Order date in docket: 08/19/70
4	1A		0.03	Suazo Ditch Adj. Owner: GUS MARTINEZ Order date in docket: 08/19/70
4	1B		0.33	Suazo Ditch Adj. Owner: GUS MARTINEZ Order date in docket: 08/19/70
4	1C		0.24	Suazo Ditch Adj. Owner: GUS MARTINEZ Order date in docket: 08/19/70
4	2	531	0.40	Suazo Ditch Adj. Owner: JUAN LOPEZ Order date in docket: 08/19/70
4	10	538	1.90	Suazo Ditch Adj. Owner: JOSE ABEDON ABEYTA Order date in docket: 08/19/70
8	1	434	3.08	Acequia Mariano Ditch Adj. Owner: JIMMY ORTIZ Order date in docket: 05/05/71
14	7	390	20.91	Duranes Ditch Adj. Owner: JOE LOBATO Order date in docket: 03/08/71

¹ The Ditch Agreement reflect the 2.70 irrigated acres. On the map, however, there is an additional 0.52 acres with crop designation A which is indicated as in dispute with the State.

CASE 4 The following were: (1) Not included on Ditch Agreements filed with the Court. (2) Located on the hydrographic survey maps. (3) Not on the docket. (4) Not found in the Court record.

MAP	TRACT	SUBFILE	ACREAGE
3	4		1.77
3	22		0.31
3	41		2.90
3	42A		2.92
4	52		0.14

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MAP	TRACT	SUBFILE	ACREAGE
5	21		0.60
6	5		10.95
8	16A		0.55
8	16B		4.92
8	17		21.61 ¹
9	1		103.25 ²
15	6		23.01
19	12B		5.81
19	18		23.32
20	2A		2.0 ³
21	15		8.16
22	17		15.12 ⁴
23	22		14.77
23	22A		5.81
24	1		198.25

MAP	EXCEPTION	SUBFILE	ACREAGE	OWNER
27A	14		10.60	MARGARITO WAR
27A	14		2.0	ADAN QUINTANA
27B	6		0.2	
27B	7		2.9	
27C	5		11.8 ⁵	

- ¹ In addition to the 21.61 acres, there is a 0.93 acre area of tract 17 marked PP and "No Right," and indicated as in dispute with the State.
- ² In addition to the 103.25 acres, there is a 5.73 acre area which had IN and A crop designations, and is indicated as in dispute with the State.
- ³ This may be subfile 287, but because it is not on a ditch agreement I can not prove it. We have an order for subfile 287 dated 11/19/62 for 2.0 acres from the Acequia de Chamita. Owner: CIDELIA MARTINEZ
- ⁴ This may be subfile 267, but because it is not on a ditch agreement I can not prove it. We have an order for subfile 267 dated 11/19/62 for 15.12 acres from the Acequia de Chamita. Owner: ALFREDO M. SALAZAR SR.
- ⁵ 3.4 acres is designated F5, 3.4 acres F2, and the rest has no crop designations.